

To: Schnare, David[schnare.david@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]
Cc: McCabe, Catherine[McCabe.Catherine@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Benton, Donald
Sent: Mon 1/30/2017 2:47:22 PM
Subject: RE: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Perfect. I await the one pager.

Don

From: Schnare, David
Sent: Monday, January 30, 2017 9:11 AM
To: Breen, Barry <Breen.Barry@epa.gov>
Cc: McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Benton, Donald <benton.donald@epa.gov>
Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Ex. 5 - Deliberative Process

dschnare

From: Bromberg, Kevin L. [<mailto:kevin.bromberg@sba.gov>]
Sent: Saturday, January 28, 2017 3:36 PM
To: Schnare, David <schnare.david@epa.gov>
Subject: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Our Roundtable is still scheduled for Friday Feb. 3 if the communications office approves.

From: Bromberg, Kevin L.

Sent: Monday, January 23, 2017 4:36 PM

To: 'Laura Skaer'; 'Bridgeford, Tawny'; Jeff Parshley (HELPER) (jparshley@srk.com)

Cc: 'Jonathan Gledhill' (jgledhill@policynavigation.com)

Subject: Emailing - CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Corrected typo – extra “0” in Appendix

To: Breen, Barry[Breen.Barry@epa.gov]; Simon, Nigel[Simon.Nigel@epa.gov]
Cc: Hilosky, Nick[Hilosky.Nick@epa.gov]; Brooks, Becky[Brooks.Becky@epa.gov]; Hostage, Barbara[Hostage.Barbara@epa.gov]; Johnson, Barnes[Johnson.Barnes@epa.gov]
From: Mattick, Richard
Sent: Wed 3/29/2017 3:12:19 PM
Subject: FW: CERCLA - 108(b) - Excluded Categories
IMA-NA - CERCLA 108(b) Applicability Analysis Memo (Feb. 21, 2017).pdf
Memo - Issues Regarding Application of the Hoffman Memo Exclusions.pdf

Barry/Nigel,

FYI. See attached. **Deliberative Process Privilege/Ex. 5**
Deliberative Process Privilege/Ex. 5

Also note SBA will be meeting with Samantha Dravis on Friday to discuss 108b and other issues.

Rich

From: Bromberg, Kevin L. [mailto:kevin.bromberg@sba.gov]
Sent: Tuesday, March 28, 2017 4:47 PM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Mattick, Richard <Mattick.Richard@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: CERCLA - 108(b) - Excluded Categories

This is an outgrowth of the SBA Advocacy February 3 Roundtable discussion of the ambiguity surrounding the 59 minerals to be excluded by the proposal. See the attached two memoranda for more detailed explanation. EPA did not clearly exclude these categories in the preamble nor in the regulatory language.

The conclusion of the second memo and the request from the Industrial Minerals Association appears below:

“EPA should address these issues and clarify the intended scope of the proposed rule immediately. Otherwise the regulated community will be forced to comment on a proposed rule

that is so vague as to scope that it is impossible to determine what the universe of covered

facilities is. Declining to address these issues now would severely limit EPA’s ability to clarify

these issues after the comment period closes.¹² At a minimum EPA’s clarification should include:

- ☐ A statement that the proposed rule language will be amended to clarify that facilities that

process the 59 commodity sectors listed in the Hoffman Memo are not subject to the proposed rule;

- ☐ Clearer definitions for the excluded and included commodity sectors where necessary;”

Ex. 5 - Deliberative Process

We are meeting with Samantha Dravis on Friday to address this rule and other matters.

Kevin

From: Mark Ellis [<mailto:markellis@ima-na.org>]
Sent: Friday, March 24, 2017 3:43 PM
To: Bromberg, Kevin L.
Cc: Ben Machlis; barringers@gtlaw.com; Darrell Smith; Mark Ellis
Subject: FW: CERCLA Strategy

Kevin--

Good seeing you today at the SBA Labor Safety Roundtable. As promised, please find attached the second of two memos summarizing our concerns with EPA's CERCLA 108(b) proposal. The first memo, which you received previously, also is attached for convenient reference.

We appreciate your offer to share these memos with the EPA program area staff and the Solicitor's office representatives who participated in the SBA Environmental Roundtable the Office of Advocacy hosted on February 3. If you wish, please feel free to share them with others at EPA, including potentially Byron Brown in the Administrator's office. We believe the memos outline issues that EPA will want to address.

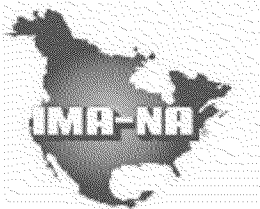
Please do not hesitate to contact me should you have any questions, comments or suggestions regarding these matters.

'Have a good weekend.

Best--

Mark

Mark G. Ellis
President
Industrial Minerals Association - North America
National Industrial Sand Association
1200 18th Street, NW, Suite 1150
Washington, DC 20036
(202) 457-0200
(202) 457-0287 (Fax)
markellis@ima-na.org
markellis@sand.org



From: Ben Machlis [<mailto:MBMachlis@hollandhart.com>]
Sent: Friday, March 24, 2017 2:10 PM
To: Mark Ellis
Cc: Darrell Smith; barringers@gtlaw.com
Subject: RE: CERCLA Strategy

Mark –

PDFs of the two memos are attached. Thanks for getting these to Kevin.

Ben

Ben Machlis
Holland & Hart LLP
222 South Main Street, Suite 2200

Salt Lake City, UT 84101
Phone (801) 799-5915
Cell Ex. 6 - Personal Privacy
E-mail: mbmachlis@hollandhart.com



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in error, please reply to the sender that you received the message in error; then please delete this e-mail. Thank you.

From: Bromberg, Kevin L.
Location: 3146 epaw
Importance: Normal
Subject: Accepted: CERCLA 108(b) (outside guest) - dial Ex. 6 - Personal Privacy code Ex. 6 - Personal Privacy
Start Date/Time: Tue 3/21/2017 3:00:00 PM
End Date/Time: Tue 3/21/2017 4:00:00 PM

;

To: Breen, Barry[Breen.Barry@epa.gov]
Cc: Hilosky, Nick[Hilosky.Nick@epa.gov]; Hostage, Barbara[Hostage.Barbara@epa.gov]; Johnson, Barnes[Johnson.Barnes@epa.gov]; Sasseville, Sonya[Sasseville.Sonya@epa.gov]
From: Mattick, Richard
Sent: Mon 3/20/2017 6:50:04 PM
Subject: Fwd: CERCLA 108b Talking Points/Issues for Barry @ SBA mtg
DRAFT Response Paper for SBA meeting 3 21 17 ORCR 5 .docx
ATT00001.htm

Hi Barry,

Ex. 5 - Deliberative Process

Please let me know if you have any questions,

Rick

Begin forwarded message:

From: "Sasseville, Sonya" <Sasseville.Sonya@epa.gov>
Date: March 20, 2017 at 11:58:31 AM CDT
To: "Mattick, Richard" <Mattick.Richard@epa.gov>
Cc: "Johnson, Barnes" <Johnson.Barnes@epa.gov>, "Foster, Barbara" <Foster.Barbara@epa.gov>, "Huff, Mark J" <huff.markj@epa.gov>, "Hostage, Barbara" <Hostage.Barbara@epa.gov>, ORCR IO <ORCR_IO@epa.gov>
Subject: RE: CERCLA 108b Talking Points/Issues for Barry @ SBA mtg

Richard, I talked to Barnes and he asked me to send – here it is.

Sonya

On Mar 20, 2017, at 11:26 AM, Sasseville, Sonya <Sasseville.Sonya@epa.gov> wrote:

Hi, Richard. It's with Barnes for review.

From: Mattick, Richard
Sent: Monday, March 20, 2017 12:04 PM

To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>
Subject: Re: CERCLA 108b Talking Points/Issues for Barry @ SBA mtg

Hi Sonya,

What is the status on this? It would be ideal that get this to Barry asap.

Thanks

On Mar 17, 2017, at 2:07 PM, Sasseville, Sonya <Sasseville.Sonya@epa.gov> wrote:

Richard, just wanted to let you know we haven't forgotten about this. We are working on responses and will get them to you as soon as we can.

From: Sasseville, Sonya
Sent: Thursday, March 16, 2017 9:37 AM
To: Mattick, Richard <Mattick.Richard@epa.gov>
Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>
Subject: RE: CERCLA 108b Talking Points/Issues for Barry @ SBA mtg

Thanks.

From: Mattick, Richard
Sent: Thursday, March 16, 2017 9:32 AM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Hostage,

Barbara <Hostage.Barbara@epa.gov>

Subject: Re: CERCLA 108b Talking Points/Issues for Barry @ SBA mtg

Sonya:

Based on my conversation with Kevin, these are the issues and questions that will most likely come up at the meeting on Tuesday.

Sent from my iPhone

On Mar 15, 2017, at 6:58 PM, Sasseville, Sonya <Sasseville.Sonya@epa.gov> wrote:

Richard, we will look at this after sending the paper to Barry but in the meantime, a quick question - - Where did the questions come from - - are they Kevin's? Thanks.

From: Mattick, Richard

Sent: Wednesday, March 15, 2017 5:57 PM

To: Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>

Cc: Foster, Barbara <Foster.Barbara@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>

Subject: CERCLA 108b Talking Points/Issues for Barry @ SBA mtg

Importance: High

Barnes/Sonya,

Barry has asked me to identify key issues that will come up at the meeting with SBA/Kevin Bromberg this Tuesday on CERCLA 108b HRM and what his response should be to associated questions Kevin will have for us.

I'd like to work collaboratively with your Office to accomplish this. Can you provide input on the response to each of the issues/questions I have

identified in the attached with a couple of bullet points?

Please provide me with your input by 3:00 tomorrow.

Thanks,

Rich

Richard Mattick

Office of Land Management and Emergency Response

Policy and Regulatory Management Staff

202-566-1926